



VILLAGE OF KEY BISCAIYNE
**EVALUATION AND APPRAISAL REPORT (EAR) OF THE
 KEY BISCAIYNE MASTER PLAN**

Changes to Chapter 163, F.S. 1998-2005		163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
1998: [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss. 4-5, Laws of Florida]					
78	Exempted brownfield area amendments from the twice-a-year limitation .	163.3187(1)(g)			
79	Required that the capital improvements element set forth standards for the management of debt .	163.3177(3)(a)4.		Capital Improvements Element, Procedural	
80	Required inclusion of at least two planning periods – at least 5 years and at least 10 years.	163.3177(5)(a)		Procedural	
81	Allowed multiple individual plan amendments to be considered together as one amendment cycle.	163.3184(3)(d)		Procedural	
82	Defined “optional sector plan” and created Section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.3245		Procedural	
83	Established the requirements for a public school facilities element .	163.3177(12)		Intergovernmental Coordination Element, Procedural	
84	Established the minimum requirements for imposing school concurrency .	163.3180(12) [Now: Section (13)]	X		
85	Required DCA adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.	163.3180(13) [Now: Section14)]	X		
86	Required that evaluation and appraisal reports address coordination of the comp plan with existing public schools and the school district’s 5-year work program.	163.3191(2)(i) [Now: 163.3191(2)(k)]		Evaluation and Appraisal Report and Intergovernmental	



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				Coordination Element	
87	Amended the definition of “in compliance” to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)		Intergovernmental Coordination Element, Procedural	
88	Required DCA to maintain a file with all documents received or generated by DCA relating to plan amendments and identify; limited DCA’s review of proposed plan amendments to written comments, and required DCA to identify and list all written communications received within 30 days after transmittal of a proposed plan amendment.	163.3184(2), (4), and (6)	X		
89	Allowed a local government to amend its plan for a period of up to one year after the initial determination of sufficiency of an adopted EAR even if the EAR is insufficient.	163.3187(6)(b)		Procedural	
90	Substantially reworded Section 163.3191, F.S., related to evaluation and appraisal reports .	163.3191		Evaluation and Appraisal Report	
91	Changed the population requirements for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)	X		
1999: [Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]					
92	Required that ports and local governments in the coastal area, which has spoil disposal responsibilities , identify dredge disposal sites in the comp plan.	163.3178(7)	X		
9	Exempted from the twice-per-year limitation certain port related amendments for port transportation facilities and projects eligible for funding by the Florida Seaport	163.3187(1)(h)	X		



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	Transportation and Economic Development Council.				
94	Required rural counties to base their future land use plans and the amount of land designated industrial on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversity local economies.	163.3177(6)(a)	X		
95	Added the Growth Policy Act to Ch. 163 , Part II to promote urban infill and redevelopment .	163.2511,163.25,14,163.2517,163.2520,163.2523, and 163.2526	X		
96	Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)		Intergovernmental Coordination Element	
97	Made transportation facilities subject to concurrency.	163.3180(1)(a)		Transportation Circulation and Capital Improvements Elements	
98	Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)		Transportation Circulation and Capital Improvements Elements	
99	Excludes public transit facilities from concurrency requirements.	163.3180(4)(b)		Capital Improvements Element	
100	Allowed multiuse DRIs to satisfy the transportation concurrency requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)		Procedural	
101	Allowed multimodal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		Procedural	
102	Exempted amendments for urban infill and redevelopment areas, public school concurrency from	163.31879(1)(h) and (i) [Now: (i) and (j)]	X		



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	the twice-per-year limitation .				
103	Defined brownfield designation and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also see Section 163.3221(1) for “brownfield” definition.]	163.3220(2)	X		
2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, <u>Laws of Florida</u>]					
104	Repealed Section 163.3184(11)(c), F.S. , that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(11)(c) [Now: Repealed]	X		
105	Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	163.3187(7) [Now: Repealed]	X		
106	Repealed Sections 163.3191(13) and (15), F.S.	163.3191(13) and (15) [Now: Repealed]	X		
107	Allowed small scale amendments in areas of critical state concern to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c)1.e	X		
108	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of incentives for new development within urban infill and redevelopment areas .	163.2517(3)(j)2.	X		
2001: [Ch. 2001-279, s. 64, <u>Laws of Florida</u>]					
109	Created the rural land stewardship area program.	163.3177(11)(d)	X		
2002: [Ch. 2002-296, ss. 1 - 11, <u>Laws of Florida</u>]					
110	Required that all agencies that review comprehensive plan	163.3174		Intergovernmental	



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	amendments and rezoning include a nonvoting representative of the district school board .			Coordination Element	
111	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)		Intergovernmental Coordination	
112	Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)	X		
113	Required that by adoption of the EAR , the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	163.3177(6)(c)		Intergovernmental Coordination Element	
114	Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)		Intergovernmental Coordination Element	
115	Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)		Intergovernmental Coordination Element	
116	Required the local governments adopting a public educational facilities element execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h)4.		Intergovernmental Coordination Element	
117	Required that counties larger than 100,000 population and their municipalities submit a inter-local service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with	163.3177(6)(h)6., 7., & 8.	X		



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Changes to Chapter 163, F.S. 1998-2005		163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	affected parties to discuss and id strategies to remedy any deficiencies or duplications.				
118	Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003.	163.3177(6)(h)9.	X		
119	Added a new Section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776	X		
120	Added a new Section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.31777		Intergovernmental Coordination Element	
121	Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)	X		
122	Expanded the definition of “affected persons” to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)		Procedural	
123	Expanded the definition of “in compliance” to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)		Procedural Intergovernmental Coordination Element	
124	Streamlined the timing of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)		Procedural	
125	Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for	163.3184(15)(c)		Procedural	



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	persons to provide their names and addresses.				
126	Exempted amendments related to providing transportation improvements to enhance life safety on “controlled access major arterial highways” from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)	X		
127	Required EARs to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163-3191(2)(1)		Future Land Use and Intergovernmental Coordination Elements	
128	Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215		Procedural	
129	Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246	X		
130	Added a provision to Section 380.06(24), Statutory Exemptions , that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a “boating facility siting plan or policy” (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of	163.3187(1)	X	Conservation and Coastal Management	



2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, Laws of Florida.]



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	(4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation .		X		
133	Changes “State Comptroller” references to “Chief Financial Officer.”	163.3167(6)	X		
134	Provides for certain airports to abandon DRI orders.	163.3177(6)(k)	X		
135	Amended to conform to the repeal of s. 235.185 and the enactment of similar material in s. 1013.35.	163.31776(1)(b)(2)-(3)	X		
136	Amended to conform to the repeal of ch. 235 and the enactment of similar material in ch. 1013.	163.37111(1)(c), (2)(e)-(f), (3)(c), (4), (6)(b)	X		
2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, <u>Laws of Florida</u> .]					
137	(10): Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, and the creation of the Florida High-Speed Rail Authority Act. (13): Created to require local governments to identify adequate water supply sources to meet future demand. (14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.	163.3167	X	Intergovernmental Coordination Element Procedural	
138	(1): Provides legislative findings on the compatibility of development with military installations . (2): Provides for the exchange of information relating to proposed land use decisions between counties and local	Creates 163.3175.	X X		



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	<p>governments and military installations.</p> <p>(3): Provides for responsive comments by the commanding officer or his/her designee.</p> <p>(4): Provides for the county or affected local government to take such comments into consideration.</p> <p>(5): Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board.</p> <p>(6): Encourages the commanding officer to provide information on community planning assistance grants.</p>		<p>X</p> <p>X</p> <p>X</p> <p>X</p>		
139	<p>(6)(a):</p> <ul style="list-style-type: none"> Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with military installations. Changed to specifically encourage rural land stewardship area designation as an overlay on the future land use map. <p>(6)(c): Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.</p> <p>(10)(l): Provides for the coordination by the state land</p>	163.3177	X	Intergovernmental Coordination Element	



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	planning agency and the Department of Defense on compatibility issues for military installations .		X		
	(11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to rural land stewardship areas .		X		
	(11)(d)2.: Provides for multicounty rural land stewardship areas .		X		
	(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a rural land stewardship area .		X		
	(11)(d)6.j.: Provides that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.		X		
	(11)(e): Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments.		X		
	(11)(f): Provides legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment ; requires DCA to provide technical		X		



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	assistance to local governments.				
140	<p>(1): Provides legislative findings with respect to the shortage of affordable rentals in the state.</p> <p>(2): Provides definitions.</p> <p>(3): Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.</p> <p>(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons.</p> <p>(5): Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.</p> <p>(6): Requires the DCA to report to the Legislature.</p>	Creates 163.31771		<p>Procedural Housing Element</p> <p>Procedural</p> <p>Housing Element</p>	
141	Amends the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act .	163.3184(1)(b)	X		
142	(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close	163.3187	X		



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	proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans. (1)(n): Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.		X		
143	Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations .	163.3191(2)(n)	X		
2005 [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, <u>Laws of Florida</u>]					
144	Added the definition of “ financial feasibility .”	Creates ss. 163.3164(32)			
145	(2): Required comprehensive plans to be “ financially ” rather than “economically” feasible . (3)(a)5.: Required the comprehensive plan to include a 5-year schedule of capital improvements . Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement . (3)(a)6.b.1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance.	163.3177		Procedural; Capital Improvements and Future Land Use Elements	



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	<p>(3)(a)6.c.: Added oversight and penalty provision for failure to adhere to this section’s capital improvements requirements.</p> <p>(3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.</p> <p>(6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.</p> <p>(6)(a): Add requirement that future land use element of coastal counties must encourage the preservation of working waterfronts, as defined in s.342.07, F.S.</p> <p>(6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects selected by the local government to meet its water supply needs.</p> <p>(6)(e): Added waterways to the system of sites addressed by the recreation and open space element.</p> <p>(11)(d)4.c.: Required rural land stewardship areas to address affordable housing.</p>		X	Capital Improvements Element Procedural Infrastructure and Intergovernmental Coordination Elements Recreation and Open Space Element	



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	(11)(d)5.: Required a listed species survey be performed on rural land stewardship receiving area . If any listed species present, must ensure adequate provisions to protect them.		X	Interlocal agreement with County School Board	
	(11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area .		X		
	(11)(d)6.j.: Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.		X		
	(12): Must adopt public school facilities element .				
	(12)(a) and (b): A waiver from providing this element will be allowed under certain circumstances.				
	(12)(g): Expanded list of items to be to include colocation, location of schools proximate to residential areas , and use of schools as emergency shelters .				
	(12)(h): Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.			Interlocal agreement with County School Board	



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	<p>(12)(i): Required DCA to establish a schedule for adoption of the public school facilities element.</p> <p>(12)(j): Established penalty for failure to adopt a public school facility element.</p> <p>(13): (New section) Encourages local governments to develop a “community vision,” which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.</p> <p>(14): (New section) Encourages local governments to develop a “urban service boundary,” which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See s. 163.3184(17).</p>		X	<p>Interlocal agreement with County School Board</p> <p>Addressed in 2020 Community Vision Process</p>	
146	163.31776 is repealed	163.31776 [Now: Repealed]			
147	<p>(2): Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency. The opt-out provision at the end of Subsection (2) is deleted.</p> <p>(5): Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school</p>	163.31777	X	Addressed in Intergovernmental Coordination Element	



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	facilities element requirements. (7): Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.		X		
148	(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.	163.3178		Addressed in Recreational and Open Space Element	
149	(1)(a): Added “ schools ” as a required concurrency item. (2)(a): Required consultation with water supplier prior to issuing building permit to ensure “ adequate water supplies ” to serve new development is available by the date of issuance of a certificate of occupancy. (2)(c): Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit. (4)(c): Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517). (5)(d): Required guidelines for granting concurrency	163.3180	X	Interlocal Agreement w/ County School Board Intergovernmental Coordination Element Procedural	Capital Improvements Element



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	exceptions to be included in the comprehensive plan.			Procedural	
	(5)(e) – (g): If local government has established transportation exceptions , the guidelines for implementing the exceptions must be “ consistent with and support a comprehensive strategy, and promote the purpose of the exceptions. ” Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last.		X		
	(6): Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.				
	(7): Required consultation with the Department of Transportation prior to designating a transportation concurrency management area (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should		X		



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	work together to mitigate any impacts to the Strategic Intermodal System.		X	Intergovernmental Coordination Element; Interlocal Agreement with County School Board	
	(9)(a): Allowed adoption of a long-term concurrency management system for schools .			Procedural	
	(9)(c): (New section) Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a long-term concurrency management system .			Evaluation and Appraisal Report	
	(9)(d): (New section) Required evaluation in EAR of progress in improving levels of service..				
	(10): Added requirement that level of service standard for roadway facilities on the Strategic Intermodal System must be consistent with FDOT standards. Standards must consider compatibility with adjacent jurisdictions .				
	(13): Required school concurrency (not optional).			Interlocal Agreement w/ County School Board	
	(13)(c)1.: Requires school concurrency after five years to be applied on a “ less than districtwide basis ” (i.e., by using school attendance zones, etc).			Interlocal Agreement w/ County School Board	
	(13)(c)2.: Eliminated exemption from plan amendment			Procedural	



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	<p>adoption limitation for changes to service area boundaries.</p> <p>(13)(c)3.: No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must to shifted to contiguous service areas with school capacity.</p> <p>(13)(e): Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.</p> <p>(13)(e)1.: Enumerated mitigation options for achieving proportionate-share mitigation.</p> <p>(13)(e)2.: If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community:</p> <ul style="list-style-type: none">• contribution of land• construction, expansion, or payment for land acquisition <p>(13)(g)2.: (Section deleted) – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school</p>		X	Interlocal Agreement w/ County School Board	



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Changes to Chapter 163, F.S. 1998-2005		163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	facilities. However, see (13)(g)6.a. for similar requirement.				
	(13)(g)6.a.: [Formerly (13)(g)7.a.] Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency .			Interlocal Agreement w/ County School Board	
	(13)(g)7. [Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.		X		
	(13)(h): (New 2005 provision) The fact that school concurrency has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.			Procedural	
	(15): Prior to adopting Multimodal Transportation Districts , FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.		X		
	(16): (New 2005 section) Required local governments to adopt by December 1, 2006 a method for assessing			Capital Improvements Element: Concurrency	



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	proportionate fair-share mitigation options. FDOT will develop a model ordinance by December 1, 2005.				
150	(17): (New 2005 section) If local government has adopted a community vision and urban service boundary , state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments. (18): (New 2005 section) If a municipality has adopted an urban infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting	163.3184	X	Procedural	



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Changes to Chapter 163, F.S. 1998-2005		163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.				
151	<p>(1)(c)1.f.: Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances affordable housing units are exempt from this limitation.</p> <p>(1)(c)4.: (New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.</p> <p>(1)(o): (New 2005 provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.</p>	163.3187	<p>X</p> <p>X</p>	Procedural Housing Element	
152	(2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the EAR whether the local government continues to meet the exemption criteria in s.163.3177(12).	163.3191		Evaluation and Appraisal Report; Interlocal agreement with County School Board	

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***(2) Recommended Amendments to Achieve Compliance
with the Local Government Comprehensive Planning
and Land Development Regulation Act, Chapter 163
(Part II), F.S.***

To address the deficiency in the Comprehensive Plan regarding 149.5(d), the following amendment is being recommended:

- In compliance with Chapter 163, F.S. (5)(d), provisions should be included for granting concurrency exceptions. (See Section 6 Conclusions and Recommendations, Recommendation CI1)



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c. Rule Chapter 9J-5, F.A.C

A table demonstrating the manner in which the Village of Key Biscayne complies the requirements of Rule Chapter 9J-5, Florida Administrative Code follows.

(1) Manner of Compliance with Chapter 9J-5, F.A.C.

See table on followings pages.



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
November 22, 1989					
1	Defined availability or available , concurrency , concurrency management system , currently available revenue sources , and public facilities and services . <i>Note: the definition of availability or available was repealed March 23, 1994 and the definition of public facilities and services was repealed February 25, 2001.</i>	9J-5.003		Procedural	
2	Required comprehensive plan amendments applicable to the Wekiva River Protection Area to meet requirements of section 369.301, F.S., in addition to meeting compliance requirements of section 163.3184, F.S.	9J-5.005(8)	X		
3	Required local governments to adopt a concurrency management system in their comprehensive plans and established requirements for such systems.	9J-5.0055		Conservation Coastal Management and Capital Improvements Elements	
4	Required the capital improvement element to include requirements to ensure an adequate concurrency management system is implemented.	9J-5.016		Capital Improvements Element (Obj 1.4)	
5	Clarified requirements relating to projected revenue sources that are contingent upon ratification by public referendum.	9J-5.016(4)(a)2.		Procedural	
April 2, 1992					



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
6	Defined transportation concurrency management area, transportation demand management, transportation system management, and transportation mobility element . <i>Note: the definitions of transportation concurrency management area and transportation mobility element were repealed March 23, 1994.</i>	9J-5.003	X		
7	Authorized local governments to establish optional transportation concurrency management areas and provided requirements for such areas. <i>Note: this rule was repealed March 23, 1994.</i>	9J-5.0057	X		
8	Required transportation concurrency management areas to be shown on the future land use map.	9J-5.006(4)(a)	X		
9	Required the capital improvement element to include requirements to ensure concurrency management areas are implemented, if designated.	9J-5.016		Capital Improvements Element (Obj 1.4)	
March 23, 1994					



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
10	Defined central business district, coastal area, evaluation and appraisal report, partial evaluation and appraisal report, proposed evaluation and appraisal report, sufficiency review, and very low income family . <i>Note: the definition of very low income family was repealed March 21, 1999.</i>	9J-5.003		Procedural; Evaluation and Appraisal Report; Conservation and Coastal Management and Housing Elements	
11	Revised the definition of coastal high hazard areas and modified the definition of coastal area to provide a definition of the term coastal planning area . <i>Note: the definition of coastal planning area was revised March 21, 1999.</i>	9J-5.003		Capital Improvements Element (Obj. 1.3)	
12	Repealed definitions of availability or available, transportation concurrency management area, and transportation mobility element .	9J-5.003	X		
13	Required local comprehensive plans to include a countywide marina siting plan for participating local governments in the coastal area and intergovernmental coordination processes.	9-5.005(1)(c)	X		
14	Revised monitoring and evaluation requirements to include a description of the public participation process and components of the evaluation and appraisal process. <i>Note: Revised February 25, 2001.</i>	9-5.005(7)		Evaluation and Appraisal Report	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
15	Added procedures for transmittal and review of evaluation and appraisal reports and evaluation and appraisal amendments . <i>Note: Repealed March 21, 1999 and February 25, 2001.</i>	9J-5.0053	X		
16	Revised requirements for the concurrency management system to include provisions regarding level of service standards , and minimum requirements for concurrency , and authorized local governments to incorporate within their concurrency management system optional long term concurrency management systems , transportation concurrency management areas , transportation concurrency exception areas ; concurrency exceptions for projects that promote public transportation , and provisions for private contributions to local government capital improvement planning .	9J-5.0055		Transportation Circulation (Obj. 1.1), Infrastructure (Obj. 1.4), Capital Improvements (Obj. 1.2), Coastal Management (Obj. 3.4) and Intergovernmental Coordination (Obj. 1.2) Elements	
17	Repealed provisions authorizing establishment of optional transportation concurrency management areas and providing requirements for such areas.	9J-5.0057	X		



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
18	Required the Future Land Use Element for coastal counties and municipalities that have dredge spoil disposal responsibilities to identify any existing dredge spoil disposal sites and include an analysis of the need for additional dredge spoil disposal sites.	9J-5.006(1)(f)3 and 9J-5.006(2)(f)	X		
19	Required the Future Land Use Element to include an analysis of proposed development and redevelopment based upon hazard mitigation reports.	9J-5.006(2)(g)		Future Land Use (Objs. 1.1; 2.4)	
20	Required the Future Land Use Element to include objectives to encourage elimination or reduction of uses that are inconsistent with an interagency hazard mitigation report and ensure the availability of dredge spoil disposal sites for affected coastal counties and municipalities.	9J-5.006(3)(b)	X		
21	Required policies of the future land use element to designate dredge spoil disposal sites for affected coastal counties and municipalities and establish site selection criteria for designation of future dredge spoil disposal sites.	9J-5.006(3)(c)	X		



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
22	Required local governments to adopt the level of service standards established by the Department of Transportation for facilities on the Florida Intrastate Highway System and adopt adequate level of service standards for all other transportation facilities. <i>Note: 9J-5.007 was repealed February 20, 1996, and has been replaced by 9J-5.019.</i>	9J-5.007(3)(c)		Traffic Circulation (Obj. 1.1), Intergovernmental Coordination, Capital Improvements Elements	
23	Required the Ports, Aviation and Related Facilities Element to include an analysis of the need for additional dredge spoil disposal sites for existing and proposed ports. <i>Note: 9J-5.009 was repealed February 20, 1996, and has been replaced by 9J-5.019</i>	9J-5.009(2)(c)	X		
24	Required the Housing Element inventory and analysis to: Use data from the affordable housing needs assessment ; Address housing needs of existing and future residents; Avoid the concentration of affordable housing; and Address the needs of very-low income families as well as low and moderate income families.	9J-5.010(1) and (2)		Housing Element	Recommendation to add amendment to Housing Element.



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
25	Required Housing Element objectives to address: Housing needs of current and future residents; Sites and distribution of housing for very-low income and low-income families; and Use of job training, job creation and economic solutions to address affordable housing concerns.	9J-5.010(3)			Recommendation to add amendment to Housing Element.
26	Required Coastal Management Element inventories and analyses to be coordinated with the countywide marina siting plan .	9J-5.012(2)		Conservation and Coastal Management Element (Obj. 2.1)	
27	Required Coastal Management Element policies to: Incorporate recommendations from interagency hazard mitigation reports ; Address the relocation, mitigation or replacement of infrastructure within the coastal high-hazard area; Include criteria consistent with the countywide marina siting plan ; and Include a procedure to resolve inconsistencies between the local comprehensive plan and the deepwater port master plan .	9J-5.012(3)		Conservation and Coastal Management Element Obj. 3.3 Obj. 3.1 Obj. 2.1 N/A	
28	Required affected local governments to incorporate the marina siting plan in the Coastal Management Element.	9J-5.012(4)		Conservation and Coastal Management Element (Obj. 2.1)	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
29	Required objectives of the Intergovernmental Coordination Element to: <ul style="list-style-type: none">▪ Ensure coordination in the designation of new dredge spoil disposal sites;▪ Involve the navigation and inlet districts, state and federal agencies and the public in identifying dredge spoil disposal sites; and▪ Resolve conflicts between a coastal local government and a public agency seeking a dredge spoil disposal site through the Coastal Resources Interagency Management Committees dispute resolution process.	9J-5.015(3)	 X X X		



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
30	Required local governments having all or part of their jurisdiction within the urbanized area of a Metropolitan Planning Organization to prepare and adopt a transportation element which replaces the traffic circulation element, the mass transit element, and the ports, aviation and related facilities element and established requirements for the transportation element.	9J-5.019		Background Transportation Section includes maps depicting -existing circulation -traffic control devices -transit service -traffic volumes -speed control -bicycle and pedestrian plan	Traffic Circulation Element amendment needed.
May 18, 1994					
31	Added provisions for settlement of conflicts through compliance agreements .			Procedural	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
32	<p>Defined adjusted for family size, adjusted gross income, affordable housing, agency, amendment, clustering, compatibility, composition, density, development, development controls, distribution, environmentally sensitive lands, extent, facility availability, floodprone areas, functional relationship, high recharge area, hurricane vulnerability zone, intensity, manufactured home, moderate income household, natural drainage flow, natural groundwater aquifer recharge areas or natural groundwater recharge areas, new town, Apattern, potable water wellfield, purchase of development rights, rural areas, rural village or rural activity center, stormwater basin, stormwater facilities, stormwater management system, suitability, transfer of development rights, urban area, urban sprawl, very low income household, wellhead protection area, and wetlands.</p> <p><i>Note: the definitions of adjusted for family size, adjusted gross income, development, and high recharge area were repealed and the definitions of affordable housing and wetlands were revised March 21, 1999.</i></p>	9J-5.003		Procedural	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
33	Revised definitions of areas subject to coastal flooding, conservation uses, deepwater ports, estuary, low income household, mobile home, natural reservations, and oceanic waters.	9J-5.003		Procedural	
34	Revised comprehensive plan content requirements to clarify that the future land use map or map series must be included in the adopted comprehensive plan.	9J-5.005(1)		Future Land Use Map	
35	Required all goals, objectives, policies, standards, findings and conclusions of the comprehensive plan and plan amendments to be based upon analysis as well as data, explained the meaning of being based upon data , referenced the Department's guide to data sources and National Wetland Inventory Maps, and authorized local governments to submit textual portions of their plan or amendment on electronic processing storage media .	9J-5.005(2)		Procedural	
36	Required goals, objectives and policies to establish standards for the use of land and guidelines for land development regulations.	9J-5.005(6)		Future Land Use Element (Obj. 1.1)	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
37	Required plan amendments exempt from the twice-a-year restriction under the development of regional impact provision to be transmitted as required by law and revised adoption by reference requirements. <i>Note: adoption by reference requirements were further revised March 21, 1999.</i>	9J-5.005(2)(g)		Procedural	
38	Authorized local governments to recognize in their comprehensive plans, statutory and common law vested rights .	9J-5.005(8)		Conservation and Coastal Management (Obj. 3.1)	
39	Required public potable water wells and wellhead protection areas to be shown on existing land use map or map series and provided that educational uses, public buildings and grounds and other public facilities may be shown as one land use category.	9J-5.006(1)]	X		
40	Required policies of the Future Land Use Element to address protection of potable water wellfields by designating appropriate activities and land uses within wellhead protection areas .	9J-5.006(3)		Future Land Use Element	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
41	Required public potable waterwells , wellhead protection areas , and coastal high hazard areas to be shown on the future land use map and provided that educational uses , public buildings and grounds and other public facilities may be shown as one land use category. Provided that if mixed use categories are used, policies must specify types of land uses allowed, the percentage distribution among the mix of uses or other objective measurement, and the density and intensity of each use.	9J-5.006(4)	X		
42	Provided criteria for reviewing local comprehensive plans and plan amendments for adequacy in discouraging the proliferation of urban sprawl , including indicators of sprawl and measures for evaluating land uses, local conditions, and development controls.	9J-5.006(5)		Future Land Use Element (Obj. 1.1)	
43	Required the Housing Element to address housing for moderate income, low income, and very low income households, group homes, foster care facilities, and households with special housing needs, including rural and farmworker housing.	9J-5.010		Housing Element (Objs. 1.1, 1.2)	
44	Required the Housing Element analysis to address the existing housing delivery system. [9J-5.010(2)			



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
45	Required objectives of the Housing Element to address adequate sites for mobile and manufactured homes.	9J-5.010(3)(b)			Recommendation to add amendment to Housing Element.
46	Required policies of the Housing Element to: Include specific programs and actions to streamline the permitting process and minimize costs and delays for housing; Establish principles and criteria guiding the location of manufactured homes ; Identify interlocal agreements with nearby local governments to provide affordable housing ; and Designate sufficient sites at sufficient densities to accommodate affordable housing.	9J-5.010(3)(c)		Housing Element Obj 1.4 Obj. 1.4 Obj. 1.6	
47	Required the data and analysis of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to identify major natural drainage features and natural groundwater aquifer recharge areas , including areas identified by the water management district as prime or high groundwater recharge areas .	9J-5.011(1)		Conservation and Coastal Management (Objs. 1.2, 3.1) and Future Land Use (Obj. 2.5) Element	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
48	Required the policies of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to establish water quality standards for stormwater recharge .	9J-5.011(2)		Infrastructure (Goal 1), Intergovernmental Coordination (Obj. 1.2), and Conservation and Coastal Management (Obj. 1.2) Elements	
49	Required the Conservation Element to identify and analyze groundwater and important fish or shellfish areas .	9J-5.013(1)		Conservation and Coastal Management Element (Obj. 1.2, 1.7)	
50	Required policies of the conservation element to address land uses known to affect adversely the quality and quantity of water sources , including natural groundwater recharge areas, well head protection areas and surface waters used as a source of public water supply, and the protection and conservation of wetlands .	9J-5.013(2) and (3)		Conservation and Coastal Management Element	
February 20, 1996					
51	Repealed rule requirements for the Traffic Circulation Element; Mass Transit Element; Ports, Aviation and Related Facilities Element . <i>Note: Certain local governments must continue to prepare these elements pursuant to 163.3177, F.S., and 9J-5.019, F.A.C.</i>	9J-5.007, 9J-5.008, and 9J-5.009	X		
52	Repealed rule requirements for the Recreation and Open Space Element . <i>Note: Section</i>	9J-5.014		Recreation and Open Space Element	



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	<i>163.3177, F.S., requires local governments to prepare this element.</i>				
53	Repealed rule requirements for consistency of local government comprehensive plans with Comprehensive Regional Policy Plans and with the State Comprehensive Plan . <i>Note: Local government comprehensive plans are required by section 163.3184(1)(b), F.S., to be consistent with the applicable Strategic Regional Policy Plan and the State Comprehensive Plan.</i>	9J-5.021	X	Evaluation and Appraisal Report	
October 20, 1998					
54	Established requirements for the Public School Facilities Element for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025		Intergovernmental Coordination	
March 21, 1999					
55	Defined public transit and stormwater management facilities	9J-5.003		Procedural	
56	Revised the definitions of affordable housing , coastal planning area , port facility , and wetlands .	9J-5.003		Procedural; Housing and Conservation and Coastal Management Elements	
57	Repeal the definitions of adjusted for family size , adjusted gross income , development , high recharge area or prime recharge area .	9J-5.003		Housing Element	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	mass transit, paratransit, public facilities, very low-income family.				
58	Revised provisions relating to adoption by reference into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)		Procedural	
59	Repealed transmittal requirements for proposed evaluation and appraisal reports , submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. <i>Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.</i>	9J-5.0053(2) through (5)		Procedural Evaluation and Appraisal Report	
60	Repealed conditions for de minimis impact and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6		Procedural	
61	Required the future land use map to show the transportation concurrency exception area boundaries of such areas have been designated and areas for possible future municipal incorporation.	9J-5.006(4)	X		
62	Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of high	9J-5.011(2)		Infrastructure (Obj. 1.1), Conservation and Coastal Management (Obj. 1.2) Elements	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	recharge and prime recharge areas.				
63	Repealed the Intergovernmental Coordination Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	9J-5.015(4)	X		
64	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a Traffic Circulation Element and that local governments with a population of 50,000 or less are not required to prepare Mass Transit and Ports, Aviation and Related Facilities Elements .	9J-5.019(1)	X		



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65	Required objectives of the Transportation Element to:	9J-5.019(4)(b)			
	<ul style="list-style-type: none"> Coordination the siting of new, or expansion of existing ports, airports, or related facilities with the Future Land Use, Coastal Management, and Conservation Elements; 		X		
	<ul style="list-style-type: none"> Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system; 		X		
	<ul style="list-style-type: none"> Coordination ports, airports, and related facilities plans with plans of other transportation providers; and 		X		
	<ul style="list-style-type: none"> Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation. 		X		
66	Required policies of the Transportation Element to:	9J-5.019(4)(c)			
	Provide for safe and convenient on-site traffic flow ;			Transportation Circulation Element (Obj. 1.1)	
	Establish measures for the acquisition and preservation of public transit rights-of-way and corridors;			Transportation Circulation Element (Obj. 1.4)	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	Promote ports, airports and related facilities development and expansion;		X		
	Mitigate adverse structural and non-structural impacts from ports, airports and related facilities;		X		
	Protect and conserve natural resources within ports, airports and related facilities;		X		
	Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and		X		
	Protect ports, airports and related facilities from encroachment of incompatible land uses.		X		
67	Added standards for the review of land development regulations by the Department.	9J-5.022		Procedural	
68	Added criteria for determining consistency of land development regulations with the comprehensive plan.	9J-5.023		Procedural Future Land Use Element (Obj. 1.1)	
February 25, 2001					
69	Defined general lanes	9J-5.003		Procedural Transportation Circulation Element	
70	Revised the definition of “ marine wetlands. ”	9J-5.003		Procedural Conservation and Coastal Management Element	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
71	Repeal the definition of “ public facilities and services. ”	9J-5.003	X		
72	Revised procedures for monitoring , evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)		Evaluation and Appraisal Report	
73	Repealed requirements for evaluation and appraisal reports and evaluation and appraisal amendments.	9J-5.0053	X		
74	Revised concurrency management system requirements to include provisions for establishment of public school concurrency.	9J-5.005(1) and (2)		Intergovernmental Coordination (Obj. 1.1)	
75	Authorized local governments to establish multimodal transportation level of service standards and established requirements for multimodal transportation districts.	9J-5.0055(2)(b) and (3)(c)	X		
76	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)		Transportation Circulation (Obj. 1.1)	
77	Provide that public transit facilities are not subject to concurrency requirements.	9J-5.0055(8)		Procedural	
78	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a proportionate share contribution.	9J-5.0055(9)		Capital Improvements Element	



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
79	Required the future land use map to show multimodal transportation district boundaries, if established.	9J-5.006(4)	X		
80	Authorized local governments to establish multimodal transportation districts and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)	X		
81	Required data for the Housing Element include a description of substandard dwelling units and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)		Housing Element (Obj. 17)	
82	Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.010(2)(b)		Housing Element (Obj. 1.4)	
83	Required the Intergovernmental Coordination Element to include objectives that ensure adoption of interlocal agreements within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for public school concurrency .	9J-5.015(3)(b)		Housing Element (Objs.1.1, 1.2,1.3)	



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84	Required the Intergovernmental Coordination Element to include:	9J-5.015(3)(c)			
	Policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas;			Housing Element (Obj. 1.2)	
	Recognize campus master plan and provide procedures for coordination of the campus master development agreement;		X		
	Establish joint processes for collaborative planning and decision-making with other units of local government;			Housing Element (Obj. 1.1, 1.2, 1.3)	
	Establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities ;			Housing Element (Obj. 1.1)	
	Establish joint processes for the siting of facilities with county-wide significance ; and			Housing Element (Obj. 1.1, 1.2, 1.3)	
	Adoption of an interlocal agreement for school concurrency .			Housing Element (Obj. 1.1)	
85	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible public school	9J-5.016(4)(a)	X		



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Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for multimodal transportation districts , if locally established.				
86	Required the Transportation Element analysis for multimodal transportation districts to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)	X		
87	Required Transportation Element objectives for multimodal transportation districts to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)	X		
88	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)		Transportation Circulation (Obj. 1.1)	



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(2) Recommended Amendments to Achieve Compliance with 9J-5 F.A.C.

To address the deficiency in the Comprehensive Plan regarding 9J-5.010(1),(2), and (3), the following amendments and new policies are being recommended:

- Add a policy that the Village shall “[m]onitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations.” (See Section 6 Conclusions and Recommendations, Recommendation H1)

- The following objective should be amended to read:

- Objective 1.4. The Local Planning Agency (LPA) shall define and seek opportunities to promote affordable housing of a type and at a price range consistent with Key Biscayne local market and general market conditions.

(See Section 6 Conclusions and Recommendations, Recommendation H1)

- The following objective should be amended to read:

- Objective 1.6 Development of Affordable Housing in Nearby Communities. Develop ongoing interlocal coordination with other jurisdictions and non-governmental agencies for the provision of affordable housing.

(See Section 6 Conclusions and Recommendations, Recommendation H3)

- Remove Objective 1.1 because it is no longer relevant to existing conditions and needs. There were and are no vacant properties along Crandon Boulevard. There were two sites originally developed as small, low-density hotels and replaced with more than 250 units.

- Objective 1.1 New Construction: Cooperate with private sector to build at least 250 well designed and diversified units on vacant residentially designated areas along Crandon Boulevard by 2004.

(See Section 6 Conclusions and Recommendations, Recommendation H4)

- Add a policy that the Village shall “[e]xplore federal, state, and local housing subsidy programs as means to provide housing opportunities for low-income persons and families, where appropriate. (See Section 6 Conclusions and Recommendations, Recommendation H5)



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- Add a policy that the Village shall “[c]ollaborate with Miami-Dade County and the City of Miami to create a program for annual evaluation of affordable housing needs within incorporated and unincorporated areas. (See Section 6 Conclusions and Recommendations, Recommendation H6)
- Add a policy that the Village shall “[p]articipate in South Florida Regional Planning Council’s initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and/or the county, for promoting affordable housing. (See Section 6 Conclusions and Recommendations, Recommendation H7)
- Add a policy that the Village shall “[e]valuate the feasibility of establishing an affordable housing fee trust fund in partnership with Miami-Dade County or the City of Miami (via interlocal agreements) to fund affordable housing programs and projects in Miami-Dade or the City of Miami. (See Section 6 Conclusions and Recommendations, Recommendation H8)
- Add a policy that the Village shall [e]nsure that land use designations and zoning districts that foster diverse housing types to serve the needs of the local population, including single family, duplex, and multi-family units. (See Section 6 Conclusions and Recommendations, Recommendation H9)
- To address the deficiency in the Comprehensive Plan regarding 9J-5.015, the following amendment is being recommended:
 - To better encompass the spectrum of transportation facilities, the Traffic Circulation Element shall be renamed the Transportation Element. (See Section 6 Conclusions and Recommendations, Recommendation TC6)



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d. Strategic Regional Policy Plan for South Florida.

In accordance with Section 163.3191, the following evaluates relevant changes in growth management laws in the South Florida Regional Planning Council's Strategic Regional Policy Plan of South Florida, which was adopted on June 7, 2004 and become effective on July 7, 2004.

(1) *Manner of Compliance with Strategic Regional Policy Plan for South Florida*

Goal 1) Invest in youth and workforce of the region by providing quality education, workforce training, and targeted job creation.

Response — Addressed through ongoing intergovernmental coordination efforts.

Goal 2) Increase employment opportunities and support the creation of jobs with better pay and benefits for the Region's workforce.

Response — See response to Goal 1 above.

Goal 3) Protect the health, safety and welfare of South Florida's residents.

Response — Addressed through ongoing intergovernmental coordination efforts. The EAR is recommending that the Comprehensive Plan Conservation and Coastal Management Element add a policy stating that the Village will continue to explore new ways to integrate green technologies into public facilities.

Goal 4) Enhance the economic and environmental sustainability of the Region by ensuring the adequacy of its public facilities and services.

Response — Addressed in Comprehensive Plan's Conservation and Coastal Management and Capital Improvements Elements. The EAR is recommending that the Comprehensive Plan Conservation and



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Coastal Management Element add a policy stating that the Village will continue to explore new ways to integrate green technologies into public facilities.

Goal 5) Overcome school overcrowding in the region.

Response — Addressed in Comprehensive Plan’s Intergovernmental Coordination Element.

Goal 6) Ensure the availability of equitable distribution of adequate, affordable housing for very low, low and moderate income households within the Region.

Response — Addressed in Comprehensive Plan’s Housing Element. The EAR recommends an amendment be added to the Comprehensive Plan stating “The Village shall monitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations.”

Goal 7) Protect, conserve, and enhance the Region’s water resources.

Response — Addressed in Comprehensive Plan’s Future Land Use (Objectives 2.3, 2.7), Infrastructure (Objective 1.5), and Conservation and Coastal Management (Objectives 1.2, 2.5) Elements.

Goal 8) Enhance the Region’s mobility, safety, quality of life, and economic healthy through improvements to road, port, and public transportation infrastructure.

Response — Addressed in Comprehensive Plan’s Traffic Circulation and Infrastructure Elements. The EAR is recommending that policies be added under Objective 1.1 of the Traffic Circulation Element scheduling traffic studies to assess the impact of internally generated traffic congestion and the LOS of collector and local streets. The EAR is also recommending that the Comprehensive Plan designate Fernwood Road as a transitional road between residential and commercial; and at the rear



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lot line of specific commercial centers on Crandon Boulevard, require that access points be opened where appropriate to pedestrians, golf carts and, on a limited basis, to vehicular traffic. Lastly, the EAR recommends the Plan include a policy that places and coordinates the update of electric signs at the intersection of Highway 95 and US Route 1 South that inform visitors if Bill Baggs Park is at capacity or accepting additional visitors.

Goal 9) Develop clean, sustainable, and energy efficient power generation and transportation systems.

Response — Addressed in Master Plan's Traffic Circulation and Infrastructure Elements. The EAR is recommending that the Comprehensive Plan Conservation and Coastal Management Element add a policy stating that the Village will continue to explore new ways to integrate green technologies into public facilities.

Goal 10) Increase awareness of the Region's green infrastructure, its significance to the Region's economy, and the public's role in access and use that is compatible with long-term sustainability.

Response — Addressed in the Comprehensive Plan's Parks and Recreation and Conservation and Coastal Management Elements. The EAR is recommending that the Comprehensive Plan Conservation and Coastal Management Element add a policy stating that the Village will continue to explore new ways to integrate green technologies into public facilities.

Goal 11) Encourage and promote the implementation of development proposals that conserve the region's natural resources, rural and agricultural lands, green infrastructure; and:

- ◇ Utilize existing and planned infrastructure where most appropriate in urban areas;
- ◇ Enhance the utilization of regional transportation systems;



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- ◇ Incorporate mixed land use development;
- ◇ Recycle existing developed sites, and;
- ◇ Provide for the preservation of historic sites.

Response — No Agriculture or agriculturally designated lands in the city.

Goal 13) Preserve, restore, and rehabilitate South Florida's historic structures, landmarks, districts, neighborhoods, and archeological sites.

Response — Addressed in the Master Plan's Future Land Use (Objective 2.6), Housing (Objective 1.5), and Conservation and Coastal Management (Objective 2.4) Elements

Goal 14) Preserve, protect, and restore Natural Resources of Regional Significance.

Response — Addressed in Master Plan's Conservation and Coastal Management Element.

Goal 15) Restore and protect the ecological values and functions of the Everglades Ecosystem by increasing habitat areas, increasing regional water storage, and restoring water quality.

Response — Addressed in Comprehensive Plan's Conservation and Coastal Management Element.

Goal 16) Enhance and preserve natural system values of South Florida's shorelines, estuaries, benthic communities, fisheries, and associated habitats, including but not limited to, Florida Bay, Biscayne Bay, tropical hardwood hammocks, and the coral reef tract.

Response — Addressed in Comprehensive Plan's Conservation and Coastal Management Element.

Goal 17) Maintain a competitive, diversified, and sustainable regional economy.

Response — Addressed in Comprehensive Plan's Future Land Use Element.



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Goal 18) Ensure regional coordination, preparation, and response to emergencies.

Response — Addressed in Comprehensive Plan's Conservation and Coastal Management Element. The EAR is recommending that Policy 3.3.1 of the Conservation and Coastal Management Element be amended to read "Update the disaster response plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 1996. The Village is in the process of coming up with a more comprehensive plan that covers pre-storm, evacuation, and post storm guidelines."

Goal 19) Direct future development away from areas most vulnerable to storm surges.

Response — Addressed in Master Plan's Future Land Use and Conservation and Coastal Management Elements.

Goal 20) Achieve long-term efficient and sustainable development patterns that protect natural resources and connect diverse housing, transportation, education, and employment.

Response — Addressed in Comprehensive Plan's Future Land Use, Conservation and Coastal Management, Housing, and Intergovernmental Coordination Elements.

Goal 21) Enhance regional cooperation, multi-jurisdictional coordination, and multi-issue regional planning to ensure the balancing of competing needs and long-term sustainability of our natural, developed, and human resources.

Response — Addressed in Comprehensive Plan's Intergovernmental Coordination Element.



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Goal 22) Create a regional environment that is aware of and sensitive to cultural diversity, and that provides opportunities for all to become successful regional citizens.

***Response — Addressed in Comprehensive Plan's
Intergovernmental Coordination Element.***

(2) *Recommended Amendments to Achieve Compliance with the Strategic Regional Policy Plan for South Florida*

The EAR is recommending that the Comprehensive Plan Conservation and Coastal Management Element add a policy stating that the Village will continue to explore new ways to integrate green technologies into public facilities. This will assist in achieving Goals 3, 4, 9, and 10 of the Strategic Regional Policy Plan.

The EAR recommends an amendment be added to the Comprehensive Plan stating "The Village shall monitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations." This will assist in achieving Goal 6 of the Strategic Regional Policy Plan.

The EAR is recommending that policies be added under Objective 1.1 of the Traffic Circulation Element scheduling traffic studies to assess the impact of internally generated traffic congestion and the LOS of collector and local streets. The EAR is also recommending that the Comprehensive Plan designate Fernwood Road as a transitional road between residential and commercial; and at the rear lot line of specific commercial centers on Crandon Boulevard, require that access points be opened where appropriate to pedestrians, golf carts and, on a limited basis, to vehicular traffic. Lastly, the EAR recommends the Plan include a policy that places and coordinates the update of electric signs at the intersection of Highway 95 and US Route 1 South that inform visitors if Bill Baggs Park is at capacity or accepting additional visitors. This will assist in achieving Goal 8 of the Strategic Regional Policy Plan.



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The EAR is recommending that Policy 3.3.1 of the Conservation and Coastal Management Element be amended to read "Update the disaster response plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 1996. The Village is in the process of coming up with a more comprehensive plan that covers pre-storm, evacuation, and post storm guidelines." This will assist in achieving Goal 18 of the Strategic Regional Policy Plan.



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6. Conclusions and Recommendations

The following recommendations for amendments and additions to the Master Plan were borne from gaps in policy identified during the community-wide assessment and analysis of the Master Plan elements and local community issues.

In addition to the recommendations below, the Village plans to add projects generated during the 2020 Vision Plan process to the Capital Improvements Plan and as policy to the Master Plan. These projects were reviewed by the Village Council at a November 2006 workshop. Although the Village intends to add them to Capital Improvement Projects Plan, it is awaiting a decision from the State Legislature regarding property taxes before taking further action. The Village plans to update its CIP and will include any approved projects generated during the 2020 Vision Plan process—subject to available funding, which will be identified when the State supplies definitive direction regarding available sources.

a. Recommended Amendments to the Future Land Use Element.

Recommendation FLU1: The language in Goal 1 of the Future Land Use should be strengthened to read, in part:

- “Future residential development **shall** be at the lowest densities consistent with protection of reasonable property rights.”

Recommendation FLU2: The following changes should be made to the future land use map to reflect current and anticipated uses.

- Government and Civic Center parcels at West McIntyre Street and Village Green Way should be reclassified from Commercial to Public and Institutional.
- The Pankey Building (1 Crandon Boulevard) should be changed from Medium Density Multi-Family to Office.
- The Esplanade should be changed from Office to Commercial
- The Library (299 Crandon Boulevard) should be changed from Medium Density Multi-Family to Public and Institutional
- The Beach Park should be changed from Medium Density Multi-Family to Public Recreational and Open Space
- A portion of the Key Biscayne K-8 Center designated as Public Recreation and Open Space and should be adjusted. The eastern



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third should remain as Public Recreation and Open Space, but the remaining two-thirds should be categorized as Public and Institutional.

- The 700 block of Fernwood Road should be recategorized from Two Family Residential to Single Family Medium Density Residential.
- Village Lake Park should be recategorized from Low Density Multi-Family to Public Recreation and Open Space.

Recommendation FLU3: Language and dates referenced in the following policy and objective should be updated to read:

- Policy 2.1.1: Complete (sanitary sewer extension) plan by **2008**.
- Objective 2.2 and Objective 2.3: *Continue* to upgrade drainage system so outfalls in Biscayne Bay (and adjacent canals) fully meet NPDES standards and Chapters 17-25 and 17-302.500, F.A.C. *Continue* to upgrade private property on-site drainage standards to ensure retention of at least the first one inch of stormwater, and no more runoff after development than before.
- Objective 2.6: Historic Preservation: prepare a list and strategy for preservation of potentially significant historic structures by **2010**.

b. Recommended Amendments to the Traffic Circulation Element.

Recommendation TC1: Under Objective 1.1, add a policy scheduling a traffic study to assess the impact of internally generated traffic congestion.

Recommendation TC2: Under Objective 1.1, add a policy scheduling a traffic study to assess the LOS of collector and local streets.

Recommendation TC3: In Policy 1.1.1, change the designation for arterial roadways from LOS "E" to LOS "D."

Recommendation TC4: Designate Fernwood Road as a transitional road between residential and commercial. At the rear lot line of specific commercial centers on Crandon Boulevard, require that access points be opened where appropriate to pedestrians, golf carts and, on a limited basis, to vehicular traffic.

Recommendation TC5: Place and coordinate the update of electric signs at the intersection of Highway 95 and US Route 1 South that inform visitors if Bill Baggs Park is at capacity or accepting additional visitors.



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Recommendation TC6: To better encompass the spectrum of transportation facilities, the Traffic Circulation Element shall be renamed the Transportation Element.

Recommendation TC7: To the new Transportation Element, the Village should add a policy to "[u]pdate the transportation maps every three years."

Recommendation TC8: To the new Transportation Element, the Village should add a policy to "[c]oordinate the Future Land Use Map with the transportation system.

Recommendation TC9: To the new Transportation Element, the Village should add a policy to "[e]stablish numerical indicators to measure achievement of mobility goals."

Recommendation TC10: To the new Transportation Element, the Village should add a policy to "[c]onduct a public transit feasibility study."

c. Recommended Amendments to the Housing Element.

Recommendation H1: Add a policy that the Village shall "[m]onitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations."

Recommendation H2: The following objective should be amended to read:

- Objective 1.4. The Local Planning Agency (LPA) shall define and seek opportunities to promote affordable housing of a type and at a price range consistent with Key Biscayne local market and general market conditions.

Recommendation H3: The following objective should be amended to read:

- Objective 1.6 Development of Affordable Housing in Nearby Communities. Develop ongoing interlocal coordination with other jurisdictions and non-governmental agencies for the provision of affordable housing.

Recommendation H4: Remove Objective 1.1 because it is no longer relevant to existing conditions and needs. There were and are no vacant properties along Crandon Boulevard. There were two sites originally developed as small, low-density hotels and replaced with more than 250 units.



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- Objective 1.1 New Construction: Cooperate with private sector to build at least 250 well designed and diversified units on vacant residentially designated areas along Crandon Boulevard by 2004.

Recommendation H5: Add a policy that the Village shall “[e]xplore federal, state, and local housing subsidy programs as means to provide housing opportunities for low-income persons and families, where appropriate.

Recommendation H6: Add a policy that the Village shall “[c]ollaborate with Miami-Dade County and the City of Miami to create a program for annual evaluation of affordable housing needs within incorporated and unincorporated areas.

Recommendation H7: Add a policy that the Village shall “[p]articipate in South Florida Regional Planning Council’s initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and/or the county, for promoting affordable housing.

Recommendation H8: Add a policy that the Village shall “[e]valuate the feasibility of establishing an affordable housing fee trust fund in partnership with Miami-Dade County or the City of Miami (via interlocal agreements) to fund affordable housing programs and projects in Miami-Dade or the City of Miami.

Recommendation H9: Add a policy that the Village shall [e]nsure that land use designations and zoning districts that foster diverse housing types to serve the needs of the local population, including single family, duplex, and multi-family units.

d. Recommended Amendments to the Infrastructure Element.

Recommendation I1: The language and dates referenced in the following policies should be updated:

- Objective 1.1: *Continue* to upgrade drainage system so outfalls in Biscayne Bay (and adjacent canals) fully meet NPDES standards and Chapters 17-25 and 17-302.500, F.A.C. *Continue* to upgrade private property on-site drainage standards to ensure retention of at least the first one inch of stormwater, and no more runoff after development than before.
- Policy 1.2.1 Complete financial and engineering feasibility plan to extend sanitary sewers to unsewered areas by **2008**, and complete implementation by **2010**.



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- Objective 1.3: Future Needs; Solid Waste: Continue to achieve the most cost-effective solid waste collection system.
- Objective 1.5: Water Conservation: Continue working toward reducing the average daily per capita water consumption by 5%.

Recommendation I2: Add a policy that the Village shall “[u]pdate the Master Plan within 18 months of the South Florida Water Management District updating its regional water supply plan, highlighting alternative water supply projects, and completing the required “Work Plan Amendment.”

Recommendation I3: Add a policy that the Village shall “[s]eek and obtain a written statement from the Miami-Dade Water and Sewer Authority regarding the availability of water to serve all proposed development projects, including current and projected demand, remaining permitted water withdrawals, facility capacity, and scheduled capital improvement projects.”

Recommendation I4: Add a policy that the Village shall “[e]stablish a single-point-of-contact at the South Florida Water Management District and Miami-Dade Water and Sewer Authority to determine the extent to which the Village will be involved in the planning, financing, construction, and operation of water supply facilities that will serve the community.”

Recommendation I5: Add a policy that the Village shall “[v]erify with the Miami-Dade Water and Sewer Authority the availability of water before making changes to the Future Land Use Map.”

e. Recommended Amendments to the Conservation and Coastal Management Element.

Recommendation CCM1: Add a policy that the Village shall “[c]ontinue to explore new ways to integrate green technologies into public facilities.”

Recommendation CCM2: Language and dates referenced in the following objective should be updated:

- Policy 2.2.3: Continue to evaluate the need for and efficacy of alternate financing methods for beach renourishment and dune development.
- Objective 2.4 Historic Preservation: Prepare a list of potentially significant historic structures and a preservation strategy by **2010**.
- Objective 3.3: Post Disaster Redevelopment: Adopt a post-disaster redevelopment plan by 2010.



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- Policy 3.3.1: Prepare a post-disaster redevelopment plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 2010.

Recommendation CCM3: Update Policy 3.3.1 to read:

- Policy 3.3.1 Update the disaster response plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 1996. **The Village is in the process of coming up with a more comprehensive plan that covers pre-storm, evacuation, and post storm guidelines.**

Recommendation CCM4: In coordination with recommendation I2, add a policy to the Conservation and Coastal Management Element that the Village will “assess projected water needs and sources for at least a 10-year planning period, considering the South Florida Water Supply Plan.”

f. Recommended Amendments to the Recreation and Open Space Element.

Recommendation ROS1: The following objective should be amended to read:

- Objective 1.5 Public-Private Coordination: Explore and implement a fully coordinated system of recreation resources.

Recommendation ROS2: The following policy should be amended to read:

- Policy 1.3.5 Explore means of revenue raising to support public trust acquisition of recreation lands and open space and preservation of historic landmarks by **2010**.

Recommendation ROS3: Add a policy that the Village shall “[p]repare a strategy for buying land in the Village to be dedicated as recreational space.”

Recommendation ROS4: Add a policy that the Village shall “[n]egotiate use agreements with Miami-Dade County and the City of Miami for Village residents to have access to parkland outside Key Biscayne.”

Recommendation ROS5: Add a policy that the Village shall “[r]eview and revise current regulations to require that any future development proposed in the Village that contains apartments to provide public open space on- or off-site in the amount necessary to serve the demand created by the projected population increase.”



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Recommendation ROS6: Add a policy that the Village shall “[e]xplore instituting an impact fee for new single-family detached and residential duplex construction.”

Recommendation ROS 7: Add a policy to “[p]ursue the renovation of available space at Calusa Park into active playing fields.” If it is in accordance with the Calusa Park Master Plan, connect the playing fields to Harbor Drive via a pathway, building a mangrove boardwalk to Biscayne Bay, and construct a boardwalk to the Tennis Stadium at Crandon Park.

Recommendation ROS 8: Add a policy to “[w]ork with the Miami-Dade County Parks and Recreation Department to develop a public tennis program at the Tennis Center at Crandon Park.”

Recommendation ROS 9: Add a policy to “[c]ontinue to buy land in the Village and/or lease land on a long term basis for recreation and open space purposes.”

Recommendation ROS 10: Add a policy to “[a]cquire land for a bayfront park.

Recommendation ROS 11: Add a policy to “[e]xtend the lease with St. Agnes Catholic Church and provide for the general public’s use of this facility.”

Recommendation ROS 12: Add a policy to “[e]nter into public/private partnerships which result in recreation and open space in locations zoned for institutional and commercial use.”

Recommendation ROS 13: Add a policy to “[a]ccept developer contributions and donations of property should opportunities arise that are advantageous to all parties.”

Recommendation ROS 14: Add a policy to “[i]nclude 530 Crandon Boulevard in the inventory of recreation and open space lands when its current use as a staging area is complete.

g. Recommended Amendments to the Intergovernmental Coordination Element.

Recommendation IC1: The following policy should be amended to read:



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- Policy 1.2.1 As is relevant, consider and attempt to consummate the following interlocal agreements on an ongoing basis.

Recommendation IC2: The following policy should be amended to remove references to annexation because it is no longer relevant to existing conditions and needs. The Village has not attempted to annex any land, nor does it foresee doing so. It should be amended to:

- Policy 1.1.3 Use informal mediation process of SFRPC conflicts with other governmental entities.

Recommendation IC3: The following policy should be amended to read:

- Policy 1.5.2 Explore means of revenue raising to support public trust acquisition of recreation lands and open space and preservation of historic landmarks by **2010**.

Recommendation IC4: Add a policy that the Village shall “[c]ollaborate with Miami-Dade County and the City of Miami to create a program for annual evaluation of affordable housing needs within incorporated and unincorporated areas.

Recommendation IC5: Add a policy that the Village shall “[p]articipate in South Florida Regional Planning Council’s initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and/or the county, for promoting affordable housing.

Recommendation IC6: Add a policy that the Village shall “[e]valuate the feasibility of establishing an affordable housing fee trust fund in partnership with Miami-Dade County or the City of Miami (via interlocal agreements) to fund affordable housing programs and projects in Miami-Dade or the City of Miami.

Recommendation IC7: Add a policy that the Village shall “[i]mplement a tracking system that measures increases in population resulting from development and redevelopment and provide results to Miami-Dade County the Water and Sewer Authority on a regular basis.”

h. Recommended Amendments to the Capital Improvements Element.

Recommendation CI1: In compliance with Chapter 163, F.S. (5)(d), provisions should be included for granting concurrency exceptions.

Recommendation CI2: The date referenced in the following policy should be updated:



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- Policy 1.5.2: Explore a recreational impact fee for all new development to help fund acquisitions and improvements by 1994.

Recommendation CI3: Add a policy that the Village shall “[i]mplement a tracking system that measures increases in population resulting from development and redevelopment and provide results to Miami-Dade County the Water and Sewer Authority on a regular basis.”

Recommendation CI4: Add a policy that the Village shall “[e]stablish criteria for updating and prioritizing projects within the CIP tied to concurrency requirements.”

Recommendation CI5: Add a policy that the Village shall “Shift from an annual to five-year CIP.”



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7. Appendices

a. EAR Subcommittee Recommendations for Recreation and Open Space Concurrency Compliance

EAR SUBCOMMITTEE RECOMMENDATIONS FOR RECREATION AND OPEN SPACE CONCURRENCY COMPLIANCE

May 29, 2007

GUIDING PRINCIPLES

1. Our particular deficiencies lie in active recreation facilities, ball fields and neighborhood passive parks, particularly with a view of Biscayne Bay and emphasizing a bay-oriented natural resource experience. The Village Council will adopt a financially feasible Annual Plan and a 5-Year Capital Improvement Plan to solve the Level of Service (LOS) shortfall of 2.74 acres for recreation and open space as part of the State Growth Management Act-required EAR Amendment.
2. Just as our needs are specific, our concurrency management plan is correspondingly specific. As a first priority, we require facilities that address ball fields and bay-oriented open space either through view corridors, easements, public-private partnerships, long-term leased land and/or land acquisition.
3. We do not achieve our goals merely by counting generic acreage that does not address ball fields and passive parks. Every Council since incorporation has reaffirmed these identical goals. Prior to incorporation, a "find acres" approach enabled a DRI approval that worsened an already existing deficiency and that substantially limited later solutions. We will not adopt that approach for mere technical compliance. Rather, we will address the LOS standard as we have defined it. Our proper stewardship requires that we not dodge our self-defined standards by contriving a "find acreage" lip-service solution to the LOS shortfall. For this reason, lands comprised of beach frontage and bike paths within the road right-of-way are not included.
4. Ball fields are the greatest challenge due to the large contiguous area required and possible impacts on neighbors. To the extent we successfully address that particular deficiency in the short term, we have greater flexibility in addressing other needs, immediately and over time.
5. Assuming and subject to implementation of the Calusa Park Improvement Plan, described below, it is appropriate to count for LOS compliance certain additional lands within the Village, as identified in the next section. This is because we will have addressed our most difficult goal in a best-outcome manner, which will impart more flexibility and better prospects for implementing the balance of the Concurrency Compliance Plan for Recreation and Open Space.

SPECIFIC ACTIONS TO MEET RECREATION AND OPEN SPACE CONCURRENCY

1. Our goal is to renovate the available space at Calusa Park pursuant to inter-local agreement into active playing fields connected via a pathway to Harbor Drive in the



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Village. This Calusa Park Improvement Plan also includes a mangrove boardwalk to Biscayne Bay and, if and when feasible, a connector boardwalk to the Tennis Stadium at Crandon Park. If this plan is accomplished, the immediate pressure to assemble large parcels of land for playing fields within the Village is reduced.

- a. Make improvements to the existing pathway from the Village (Harbor Drive) to Calusa Park and establish a boardwalk with limited mangrove displacement, and mitigation if needed, to provide for passive bay-oriented exposure. If possible, continue the mangrove/bay boardwalk experience toward or into the Tennis Center.
 - b. Establish landscape-shielded ball fields in place of existing tennis courts. Utilize dry and already disturbed lands, with minimal impacts and mitigation as needed. It is recognized that this effort will require close cooperation with Miami-Dade County Departments of Parks & Recreation and Environmental Resources Management as well as the Crandon Park Master Plan Committee.
 - c. If (b) is accomplished, our most difficult problem is alleviated by the best, most proximate and most desirable alternative. The underutilized Calusa Park will achieve long-standing plans for natural resources facilities that already have the support of the Crandon Park Master Plan Committee. Safe access to the ball fields from the Village will be realized and a landscape buffer will shield the fields from the boardwalks and Crandon Boulevard.
 - d. Coordinate with Miami-Dade County Parks & Recreation Department and the Crandon Master Plan Committee to mitigate the loss of the Calusa tennis courts by relocating the Calusa-based tennis program to the Tennis Center at Crandon Park, an extensive tennis facility that is under-utilized by the public.
2. The Village, through its Parks & Recreation Department and other channels, will work with the Miami-Dade County Parks & Recreation Department to develop a tennis program at the Tennis Center at Crandon Park for public use.
3. The Village will continue to pursue active playing fields at Virginia Key. Anticipate financing reserves as needed for fast response if Virginia Key-based local parks and playing fields become viable.
4. The Village will continue to buy land in the Village, and/or lease land on a long-term basis for recreation and open space purposes.
 - a. Purchase land within the Village limits as consensual purchase and sale opportunities arise, to the extent the means to do so exist and the acquisition possibilities would further our Parks, Recreation and Open



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Space goals as articulated in our Master Plan and 2020 Vision Plan.

- b. Acquire 200 Harbor Drive for a passive park, immediately, to take advantage of an original bay-front home on the market during a relative slowdown. Compelling long-term advantages of this unique, possibly non-replicable, opportunity displace any objections. The location is easily accessible via foot and non-vehicular transport and connects the Village via view corridor to the mangrove wetlands adjacent to and within Calusa Park. Leadership and vision require that we not forsake this opportunity to meet a key deficiency - active/working waterfront as identified by the State in its review of the Village EAR.
5. The Village should extend the lease with St. Agnes Catholic Church and provide for the general public's use of this facility.
6. The Village should enter into public/private partnerships which result in recreation and open space in locations zoned for institutional and commercial use. This effort will include zoning incentives.
7. The Village will accept developer contributions and donations of property should opportunities arise that are advantageous to all parties. We urge constructive, continued engagement with SBR/Fortune in exploring reasonable ways by which SBR/Fortune might assist in meeting the Village's goals and satisfying the condition to its site plan approval.
8. The inventory of recreation and open space should include:

Location	Acreage
Calusa Park	3.00
Village Green	9.50
Key Biscayne K-8 Center	2.02
East Enid Lake Park	2.78
Beach Park	2.00
Crandon Pocket Parks	0.39
Community Center	1.95
St. Agnes Field	2.13
Monaco Pools	0.19
Library Park	1.17
Hacienda Canal Pocket Park	0.03
TOTAL	25.16
 REQUIRED ACREAGE	 27.90 (2.5 acres per 1,000 residents; population estimate is 11,160)
 DEFICIT	 - 2.74



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The deficit will be met through one or a combination of the following:

1. An Inter-local Agreement with the City of Miami and/or Miami-Dade County for recreation and open space land in Virginia Key,
2. Long term lease or purchase of land in the Village,
3. Developer contributions as either land or money or both,
4. Land made available to the Village through public/private partnerships, and/or
5. Land that is made available through donations.

The Village-owned property at 530 Crandon Boulevard (0.52 acre) will be included in the inventory of recreation and open space lands when its current use as a construction staging area is complete. The proposed mangrove boardwalk in Calusa Park also will be included once it is constructed (note that the Mangrove boardwalk acreage will be in addition to the 3.00 acres already counted in Calusa Park).

FINANCING STRATEGY

1. An Annual Plan and a Five-Year Capital Improvement Plan are the first priority, requiring immediate response. These efforts should not displace long-term planning for fullest compliance with our specified deficiencies. The FY 08 Village Budget should include funds to engage the services of environmental and recreation planners to develop a site plan and funding strategies for Calusa Park. Once playing fields are addressed, the remaining public recreation and open space goals can be addressed immediately and over time, with greater flexibility.
 - a. The FY 08 budget should include a \$150,000 line item to engage the services of Environmental and Recreational Planners to develop a site plan for Calusa Park that incorporates active playing fields and the pathway and boardwalk elements. If this item receives favorable consideration at the June 12, 2007 Budget Workshop, the Village Manager should prepare an RFP and solicit proposals in July and August 2007. In this manner, the Council can award a contract at its first meeting in October. The EAR Subcommittee will assist in this effort.
 - b. Funding includes a \$7.0M voluntary contribution from the SBR/Fortune project and FY 07 funded line items of \$480,000 for playing fields and \$300,000 for recreational facilities.
 - c. Starting in FY 08, the annual budget should include \$1 million for recreation and open space facilities.
 - d. In order to achieve the Virginia Key playing fields objective, the Village must have in place substantial funds to influence the decision-making process.



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2. Absent debt cap relief through long-term borrowing, the projected financing restraints due to pending property tax relief, and the rejection of condemnation as an option to acquire land, land assemblage within the Village is extremely difficult.
 - a. Consider limited and targeted debt cap alteration to enable long-term financing for priority projects.
 - b. Consider grants.

IMPLEMENTATION MONITORING

Prior to and after incorporation, the Village has identified recreation and open space as one of the highest priorities toward sustaining and improving the quality of life in our community. While the Village has been successful in acquiring additional recreation facilities, we still have a projected 2.74 acre shortfall relative to the 2.5 acres per 1000 residents level of service standard. Immediate monitoring steps are:

1. File an EAR amendment consistent with the Compliance Plan, highlighting
 - a. Our specific goals and underlying LOS and compliance rationale,
 - b. The financing sources summarized below, and
 - c. Coordinate with the State Department of Community Affairs for maximum compliance flexibility in view of projected declining tax revenues and our desire to minimize tax burdens while still addressing long-term goals.
2. Village Council should convene a volunteer Implementation Committee to monitor short- and long-term achievement of overarching EAR-Master Plan/2020 Vision Plan concurrency goals.